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FINAL REPLY:

Commissioner Bradley M. Campbell
State of New Jersey

TO:

Chairman Diaz

FOR SIGNATURE OF :

** PRI **

CRC NO: 04-0416

Chairman Diaz

DESC:

ROUTING:

License for Shielddalloy Metallurgical Corporation
- NRC's Intent to Pursue Long-Term Control

Reyes
Norry
Virgilio
Kane
Collins
Dean
Burns/Cyr
Miller, RI

DATE: 07/06/04

ASSIGNED TO:

CONTACT:

NMSS

Strosnider

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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PAPER NUMBER: LTR-04-0416 **LOGGING DATE:** 07/01/2004
ACTION OFFICE: EDO

AUTHOR: Bradley Campbell
AFFILIATION: NJ
ADDRESSEE: Nils Diaz
SUBJECT: Express concern regarding the NRC's intent to pursue a Long-Term Control (LTC), possession only, license for Shieldalloy Metallurgical Corporation (SMC)

ACTION: Signature of Chairman
DISTRIBUTION: RF, SECY to Ack

LETTER DATE: 06/25/2004
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NOTES: Commission Correspondence
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EDO --C20040439



State of New Jersey

Department of Environmental Protection
PO Box 402
Trenton, NJ 08625-0402

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner
Tel. # (609) 292-2885
Fax # (609) 292-7695

June 25, 2004

Honorable Nils J. Diaz
Chairman, Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Diaz:

I am writing to express my deep concern regarding the US Nuclear Regulatory Commission's (NRC) intent to pursue a Long-Term Control (LTC), possession only, license for Shieldalloy Metallurgical Corporation (SMC).

The April 15, 2004 "NRC Interim Guidance for a Long-Term Control Possession Only License at the Shieldalloy Newfield Site" states that "The staff expects that lessons learned from this project will be useful for eventually preparing draft regulatory guidance for public comment..." In effect, the NRC is proposing to use New Jersey as a testing ground for an untried and possibly ill-conceived NRC policy.

That experiment would essentially create a low-level radioactive waste disposal facility in New Jersey. Just a short time ago, New Jersey worked very hard to interest a community within the state in becoming a volunteer host for a low-level radioactive waste site. Even large monetary incentives were not enough to persuade any community to host such a site. I do not believe that our residents will be any more willing to accept a low-level radioactive waste site in the guise of an LTC site arriving through the back door.

The NRC has announced a "public meeting" on the proposed LTC on June 29 in Rockville, Maryland. On behalf of the public who will be interested and affected by your decisions in this matter, I ask that the location be changed to Newfield or some nearby location to allow them to participate in the meeting. Participation by telephone conference is not a true substitute for enabling residents to be present when a regulatory agency and its licensee are discussing leaving a large pile of radioactive material in a residential neighborhood for an unspecified time period.

The SMC site is home to some 28,000 cubic meters cubic yards of radioactively contaminated ferrocolumbian slag and 20,000 cubic meters of baghouse dust. Smaller piles of soils and debris bring the total volume of radioactively contaminated materials to 57,000 cubic meters. This large an amount of material should be disposed of in an environmentally responsible manner, not left for an indeterminate time, possibly even for future generations.

The volume and physical characteristics of the material raise concerns regarding the stabilization of the material when it is consolidated. An environmentally robust monitoring program will be

needed to ensure that chemical and radiological contaminants do not migrate off site. The very general discussion of monitoring requirements contained in the interim guidance do not engender a feeling of confidence that the public health and the environment will be properly protected.

The NRC is also proposing to allow much greater exposure to radiation if all controls at the site fail than would be allowed under New Jersey's rules. The NRC would permit an "all controls fail" annual effective dose equivalent of 500 millirem per year while New Jersey's is 100 millirem per year. I strongly believe that the State's more stringent standard is necessary to protect public health and the environment.

There are human and social factors to be considered when delaying the decommissioning of radiologically contaminated sites. Safety practices may decline as a result of the attrition of key personnel. Management interest in an LTC site will be less than if the site were in operating or in active decommissioning. Bankruptcy, corporate takeover or other unforeseen business changes could negatively impact safety at an LTC site. We do not see these concerns as adequately addressed in the guidance document.

I look forward to your actions to address our concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read 'B. M. Campbell', written in a cursive style.

Bradley M. Campbell
Commissioner